

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN COHEN,

Petitioner,

v.

PBPP, et al.,

Respondents.

Civil Action No. 06-181 Erie

**MEMORANDUM ORDER**

This motion for leave to proceed in forma pauperis was received by the Clerk of Court on August 23, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 4], filed on August 24, 2006, recommended that Petitioner's motion be denied and that the case be dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Petitioner was granted an extension of time until September 18, 2006 to file objections [Doc. No. 5]. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19<sup>th</sup> day of September, 2006;

IT IS HEREBY ORDERED that the Petitioner's motion for leave to proceed in forma pauperis is DENIED and the case is DISMISSED without prejudice.

The Report and Recommendation [Doc. No. 4] of Magistrate Judge Baxter, filed on August 24, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge